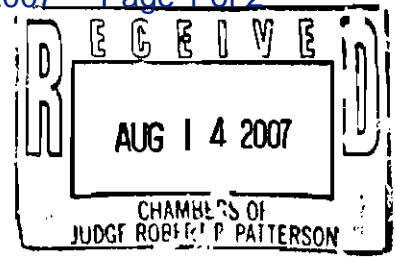


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August 14, 2007

VIA FACSIMILE (212) 805-7917

Hon. Robert P. Patterson, Jr.  
United States District Judge  
United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

**MEMO ENDORSED**

Re: *Commercial Metals Company v. M.V. Xiamen Sky, et al.*  
ECF Case No.: 07-CV-3306 (RPP)

Dear Judge Patterson:

Along with the firm of Spagnoletti & Co. of Houston Texas, we are counsel for Plaintiff Commercial Metals Company in the referenced action involving claim for marine cargo damage.

The defendants in this action are located in Japan and South Korea. Accordingly, process must be served upon them through the respective Central Authorities of those nations pursuant to the Hague Convention. Following a period of settlement negotiations which did not yield a resolution, co-counsel initiated service of process through the Hague Convention methods. The Summons, Complaint and other documents to be served, together with certified translations thereof, have been forwarded to the National Court Administration in Seoul, Korea and to the Central Authority of Ministry of Foreign Affairs in Tokyo, Japan. Thus far, we have received no confirmation of service from either of the respective Central Authorities, nor any communication from any defendant that they have been served.

Plaintiff therefore respectfully requests an adjournment of the Initial Conference date, currently scheduled for August 23, 2007 at 9:00 am before Your Honor. Our experience is that the Japanese and South Korean Central Authorities can be quite overburdened and therefore back-logged in effecting service of process and therefore suggest a 90 day adjournment of the initial conference.

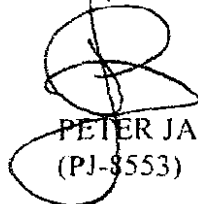
In tandem with the adjournment request, and for the same reasons, Plaintiff also respectfully requests an enlargement of the time within which to complete service of process in this matter. Similarly, a 90 day enlargement is requested. Plaintiff's counsel will follow up with the respective nations' Central Authorities in September and will report to the Court upon

*applicants granted  
Times are extended to 11/23/07  
so ordered  
8/14/07 J. M. Patterson J. usoo*

learning the status of service of process.

If there is anything else the Court requires in connection with these applications, kindly contact the undersigned.

Respectfully,



PETER JAKAB  
(PJ-3553)

PJ:lb

cc: David Toy, Esq.  
Spagnoletti & Co.